

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

WEI WANG, GUANGYI XIONG and
XIAOFENG FENG,

Plaintiffs,

v.

Case No.: 2:19-cv-274-FtM-38UAM

SHEN JIANMING and SHENLAW
LLC.,

Defendants.

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OPINION AND ORDER¹

Before the Court is Magistrate Judge Douglas N. Frazier's Report and Recommendation ("R&R") ([Doc. 10](#)). This case concerns several motions related to subpoena's issued by the United States District Court for the District of Vermont. ([Doc. 10 at 1](#)). That court issued subpoenas to non-party Nicholas Hulme here in Florida. ([Docs. 1-1](#); [3-1](#)). Judge Frazier recommends granting Hulme's motion to transfer these matters to the District of Vermont. ([Doc. 10 at 5](#)). Neither party timely objected to the R&R, so the matter is ripe for review.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's

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report and recommendation. See 28 U.S.C. § 636(b)(1); see also *Williams v. Wainwright*, 681 F.2d 732, 732 (11th Cir. 1982). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations, 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See *Cooper-Houston v. Southern Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

After careful consideration and an independent review of the file, the Court accepts and adopts the R&R (Doc. 10) in full.


Accordingly, it is now

ORDERED:

1. The R&R (Doc. 10) is **ACCEPTED and ADOPTED** and incorporated into this Order.
 - a. Hulme's Motions to Quash, Motions for Protective Order, and Motions to Transfer (Docs. 1; 3) are **GRANTED in part**. As discussed in the R&R, these Motions are granted solely on the request to transfer.
2. The Clerk is **DIRECTED** to **TRANSFER** these motions to the United States District Court for the District of Vermont.
 - a. These matters are to be transferred to the pending case, *Wang v. Jianming*, Case No. 2:17-cv-00153-cr, for consideration of Hulme's Motions to Quash, Motions for Protective Order, and Motions to Transfer (Docs. 1; 3), along with the Motion to Stay (Doc. 2).

3. Upon transfer, the Clerk is **DIRECTED** to terminate all deadlines, transfer any pending motions, and close the Fort Myers file.

DONE and **ORDERED** in Fort Myers, Florida this 28th day of May, 2019.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record